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9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 ALL BUILDING AND PROPERTY  
12 SERVICES, INC., a Nevada corporation

13 Plaintiff,

14 v.

15 ROBERT E. POOLE, TRUSTEE  
16 DOROTHY D. POOLE TRUST;  
17 DOROTHY D. POOLE TRUSTEE  
18 DOROTHY D. POOLE TRUST;  
19 DOROTHY D. POOLE TRUST; VISTA  
20 POINTE HOMEOWNERS  
ASSOCIATION, a Nevada Non Profit  
Cooperative Corporation; LEACH KERN  
GRUCHOW ANDERSON SONG, LTD., a  
Nevada Limited Liability Company;  
SECRETARY OF HOUSING AND  
URBAN DEVELOPMENT; DOES 1  
through 10, inclusive,

21 Defendants.  
22

Case No. 3:21-cv-00400-LRH-CSD

**ORDER GRANTING  
MOTION FOR EXTENSION  
(First Request)**

23 Defendant Secretary of Housing and Urban Development (“Defendant”) hereby  
24 moves for an extension of time, from September 26, 2022 to October 17, 2022, to file a reply  
25 in support of Defendant’s motion to dismiss. (ECF No. 6). On December 22, 2021, the  
26 Court stayed this quiet title action to allow the parties to attempt to negotiate a settlement,  
27 but that stay was lifted on September 16, 2022. (ECF Nos. 22, 33). Now that the stay has  
28

1 been lifted, Defendant anticipates Plaintiff will contact Defendant soon to confer under  
2 Federal Rule of Civil Procedure 26(f) and discuss a proposed discovery plan.

3 An extension to file a reply in support of Defendant's motion to dismiss is warranted  
4 for three reasons. First, a number of attorneys and staff within defense counsel's office  
5 recently resigned. (Vance Decl. ¶ 3). As a result, defense counsel is handling a higher-than-  
6 normal caseload. (*Id.*). Second, only a limited number of attorneys and support staff may  
7 work in defense counsel's office at any given time due to the pandemic, thereby slowing the  
8 time it takes to process and complete required tasks. (*Id.*). Third, defense counsel faces  
9 multiple filing deadlines in several cases, including one before the Ninth Circuit. (*Id.*). Under  
10 the circumstances, good cause exists for an extension allowing Defendant up to and  
11 including October 17, 2022 to file a reply in support of Defendant's motion to dismiss *See*  
12 Fed. R. Civ. P. 6(b)(1)(A) ("When an act may or must be done within a specified time, the  
13 court may, *for good cause*, extend the time...with or without motion or notice if the court  
14 acts, or if a request is made, before the original time or its extension expires[.]") (emphasis  
15 added).

16 This is Defendant's first extension request. *See* LR IA 6-1 (must advise of previous  
17 extension requests). On September 22, 2022, defense counsel contacted Plaintiff's counsel  
18 to get his position on this extension request, but she has not yet heard back from him.  
19 (Vance Decl. ¶ 4). This extension request is made in good faith and not for the purpose of  
20 undue delay. (*Id.*).

## 21 CONCLUSION

22 For the reasons argued above, Defendant respectfully requests that the deadline to  
23 file the reply in support of Defendant's motion to dismiss be extended to October 17, 2022.

24 Respectfully submitted this 23rd day of September 2022.

25 JASON M. FRIERSON  
26 United States Attorney

27 s/ Holly A. Vance  
28 HOLLY A. VANCE  
Assistant United States Attorney

JASON M. FRIERSON  
United States Attorney  
District of Nevada  
Nevada Bar No. 7709  
HOLLY A. VANCE  
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*Attorneys for Defendant*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ALL BUILDING AND PROPERTY  
SERVICES, INC., a Nevada corporation

Plaintiff,

v.

ROBERT E. POOLE, TRUSTEE  
DOROTHY D. POOLE TRUST;  
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DOROTHY D. POOLE TRUST;  
DOROTHY D. POOLE TRUST; VISTA  
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ASSOCIATION, a Nevada Non Profit  
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GRUCHOW ANDERSON SONG, LTD., a  
Nevada Limited Liability Company;  
SECRETARY OF HOUSING AND  
URBAN DEVELOPMENT; DOES 1  
through 10, inclusive,

Defendants.

Case No. 3:21-cv-00400-LRH-CSD

**Declaration of Holly A. Vance**

I, Holly A. Vance, hereby declare as follows pursuant to 28 U.S.C. § 1746:

1. I serve as an Assistant United States Attorney with the Department of Justice, United States Attorney's Office in Reno, Nevada. I have served in that capacity since October 2008.

2. I have been assigned to defend the litigation entitled *All Building and Property Services, Inc. v. Poole*, Case No. 3:21-cv-00400-LRH-CSD. I submit this declaration in support

1 of Defendant's request for an extension of time to file a reply in support of Defendant's  
2 motion to dismiss.

3 3. An extension is warranted for three reasons. First, a number of attorneys and  
4 staff within my office recently resigned. As a result, I am handling a higher-than-normal  
5 caseload. Second, only a limited number of attorneys and support staff may work in my office  
6 at any given time due to the pandemic, thereby slowing the time it takes to process and  
7 complete required tasks. Third, I am facing multiple filing deadlines in several cases,  
8 including one before the Ninth Circuit.

9 4. This is Defendant's first request for an extension of time. On September 22,  
10 2022, I emailed Plaintiff's counsel to get his position on this extension request, but I have not  
11 yet heard back from him. This extension request is made in good faith and not for the purpose  
12 of undue delay.

13 I declare under penalty of perjury that the foregoing is true and correct based on my  
14 personal knowledge.

15 Executed this 23rd day of September 2022.

16  
17 s/ Holly A. Vance  
18 HOLLY A. VANCE  
19 Assistant U.S. Attorney  
20

21 ORDER

22 IT IS HEREBY ORDERED that Defendant's motion for extension of time (ECF No. 35) is GRANTED.

23 IT IS FURTHER ORDERED that Defendant shall file a reply in support of Defendant's motion to  
24 dismiss (ECF No. 6) on or before October 17, 2022.

25 IT IS SO ORDERED.

26   
27 LARRY R. HICKS  
28 United States District Judge

DATE: October \_\_6\_\_, 2022.